

Report Date: January 31, 2018

**United States District Court**

**for the**

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 01, 2018**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: David D. Spragg

Case Number: 0980 2:14CR00168-TOR-22

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge

Date of Original Sentence: August 31, 2015

Original Offense: Conspiracy to Commit Bank Fraud, 18 U.S.C. §§ 1344 and 1349

Original Sentence: Prison - 1 day;  
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: George J. C. Jacobs, III

Date Supervision Commenced: September 2, 2015

Defense Attorney: Federal Public Defender

Date Supervision Expires: September 1, 2018

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**PETITIONING THE COURT**

To issue a **WARRANT** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 12/01/2017, 01/08/2018, and 01/22/2018.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

5

**Mandatory Condition # 4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

**Supporting Evidence:** On September 2, 2015, Mr. David Spragg signed his conditions relative to case number 2:14CR00168-TOR-22, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Spragg was made aware by his U.S. probation officer that he was required to refrain from the use of illicit substances.

Mr. Spragg is alleged to have violated mandatory condition number 4 by ingesting methamphetamine on or about January 25, 2018, based on random urinalysis testing.

Specifically, on January 26, 2018, the undersigned officer received notification from Pioneer Human Services the client had presented at their facility on January 25, 2018, and provided a urinalysis sample for testing, the results of which were presumptive positive for amphetamine and methamphetamine. A signed drug use admission form was subsequently received in which Mr. Spragg signed his name denying any use of prohibited controlled substances as indicated by the test.

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On January 30, 2018, the undersigned officer received confirmation from Alere Toxicology that the urinalysis sample submitted by the client at Pioneer Human Services on January 25, 2018, was confirmed as being positive for amphetamine and methamphetamine, as well as being a diluted specimen.

- 6      **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** On September 2, 2015, Mr. David Spragg signed his conditions relative to case number 2:14CR00168-TOR-22, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Spragg was made aware by his U.S. probation officer that he was required to refrain from the use of illicit substances.

Mr. Spragg is alleged to have violated standard condition number 3 by failing to report as directed on Tuesday, January 23, 2018, and on Monday, January 29, 2018, as directed, and by failing to respond to voice mails directing the client to report on the day in question, and left on the client's cell phone on both January 29, 2018, and again on January 30, 2018.

Specifically, On January 19, 2018, Mr. Spragg reported to U.S. Probation for urinalysis testing and to allow for the undersigned officer to address his confirmed positive urinalysis test as reported to the undersigned officer by New Horizon Treatment Services on January 18, 2018, and as previously reported to the Court on the petition dated January 22, 2018. As a part of the contact Mr. Spragg was directed to begin reporting weekly on Mondays in an attempt to provide the client with increased structure and accountability, following the client's admission that he struggles with urges to use illicit substances during weekend periods.

On January 22, 2018, Mr. Spragg reported to U.S. Probation as directed, but failed to provide a urinalysis sample for testing. As a result, the client was again directed to report back to the U.S. Probation Office on Tuesday, January 23, 2018. Mr. Spragg then failed to report on the day in question; instead he left two voice mails for the undersigned officer noting his ride had initially failed to arrive in a timely manner; then subsequently a second voice mail noting when his ride did arrive he felt as though he had insufficient time left to report as directed.

On January 29, 2018, Mr. Spragg again failed to report to the U.S. Probation Office as directed. On both January 29, 2018, and again on January 30, 2018, voice mails were left for the client on his cell phone directing the client to report on each respective day for urinalysis testing; however, as of the writing of this report, no response from Mr. Spragg has been received. On January 30, 2018, a voice mail was left for the client at his personal residence where he resides with his parents; however, again no response has been received as of the writing of this report.

- 7      **Special Condition # 14:** Defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

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**Supporting Evidence:** On September 2, 2015, Mr. David Spragg signed his conditions relative to case number 2:14CR00168-TOR-22, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Spragg was made aware by his U.S. probation officer that he was required to refrain from the use of illicit substances.

Mr. Spragg is alleged to have violated special condition number 14, by failing to provide a urinalysis sample for testing when directed at U.S. Probation on January 22, 2018, and by failing to appear for urinalysis testing at Pioneer Human Services when his assigned color was called on January 26, 2018.

Specifically, on January 19, 2018, Mr. Spragg was directed to begin weekly reporting in an effort to assist Mr. Spragg with increased structure and accountability given his recent admitted use of methamphetamine and his admitted attempt to defeat the urinalysis testing process at his contract treatment provider as previously reported to the Court on the petition dated January 22, 2018.

On January 22, 2018, Mr. Spragg reported as directed at 4:30 p.m; however, was unable to provide a urinalysis sample for testing by 4:50 p.m. when the office neared closure.

On January 29, 2018, the undersigned officer received notification from Pioneer Human Services that the client had failed to appear for urinalysis testing with the contract provider on January 26, 2018, when the client's assigned color had been called. Attempted contact with the client on both January 29, 2018, and again on January 30, 2018, have since gone without response.

The U.S. Probation Office respectfully recommends the Court issue a **WARRANT** requiring the offender to appear to answer to the allegations contained in this petition and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 12/01/2017, 01/08/2018, and 01/22/2018.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 31, 2018

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s/Chris Heinen

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Chris Heinen  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



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Signature of Judicial Officer

\_\_\_\_\_  
February 1, 2018

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Date